

LRSC 1. FIRST APPEARANCE

(a) The term "appear" means personal appearance of the parties involved. At the first appearance, an employee or agent (not an attorney) may appear if that employee/agent has the sufficient facts in order to present the case, and is authorized to bind the party represented.

(b) If the plaintiff and defendant both appear on the assigned first appearance date the case will be assigned a mediator and will mediate that same day. Mediation is mandatory before a trial is allowed. Parties must bring their evidence to the mediation, however, no witnesses are allowed. The purpose of mediation is to settle the case if possible; if no settlement is made at mediation, the case will be set for trial. Attorneys and paralegals may not represent parties at mediation. If the parties have already submitted the case to another type of mediation or arbitration service, the case may proceed directly to trial. If agreement is reached the parties will sign an agreement which will be entered into the record. Parties will receive a copy of the agreement. No judgment will be entered. If the agreement is breached, the nonbreaching party may return to the court for judgment after serving and filing a motion and affidavit setting forth the failure to comply with the terms of the agreement.

(c) If the plaintiff fails to appear, a dismissal will be entered. In cases where the defendant has filed a written counterclaim against the plaintiff and proof of service is presented, the defendant may be allowed judgment against the Plaintiff on the counterclaim. Oral counterclaims are allowed only if both parties appear at the first hearing, and then only if the counterclaim arises out of the same transaction or event upon which the Plaintiff's claim is based.

(d) If the defendant fails to appear and proof of service is presented, and if the plaintiff's testimony supports the claim, the plaintiff will be granted a default judgment against defendant up to the amount claimed and for costs.

(e) If neither party appears the case will be dismissed without prejudice.